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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON  
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8 UNITED STATES OF AMERICA,

No. 2:16-CR-080-RMP-2

9 Plaintiff,

10 vs.

ORDER GRANTING  
DEFENDANT'S MOTION AND  
SETTING CONDITIONS OF  
RELEASE

11 JACOB ARMENDARIZ,

12 ☒ Motion Granted

13 Defendant.

(ECF No. 54)

14  
15 At the June 22, 2016, hearing on Defendant's Motion to Reconsider  
16 Conditions of Release, ECF No. 54, Defendant was present with counsel Mark E.  
17 Vovos. Assistant U.S. Attorney Allyson Edwards represented the United States.  
18 Both sides argued.

19 The Court considered Defendant's Motion, the Pretrial Services Report filed  
20 April 19, 2016, ECF No. 32, the Supplemental Pretrial Services Report filed June  
21 8, 2016, ECF No. 73, Defendant's response to the Supplemental Report, ECF No.  
22 74, and argument of the parties.

23 This Court has taken into account the evidence, testimony and information  
24 produced at this hearing concerning the nature and circumstances of the offense  
25 charged, the weight of the evidence against the Defendant, his history and  
26 characteristics, including character, physical and mental condition, family ties,  
27 employment, financial resources, length of residence in the community,  
28 community ties, past conduct, history relating to alcohol and drug abuse, criminal

1 history, record concerning appearance at court proceedings, and the nature and  
2 seriousness of the danger to the community posed by Defendant's release.

3 The Court, having considered the proffers of Defendant and Plaintiff, and 18  
4 U.S.C. § 3142, finds the United States has not met its burden and shown by a  
5 preponderance that no combination of conditions will reasonably assure the  
6 Defendant's appearance for further proceedings, and by clear and convincing  
7 evidence that no combination of conditions will reasonably assure the safety of the  
8 community if Defendant is released pending trial.

9 Accordingly Defendant's Motion, **ECF No. 54**, is **GRANTED**.

10 **IT IS ORDERED** that the release of the Defendant is subject to the  
11 following:

12 **STANDARD CONDITIONS OF RELEASE**

- 13
- 14 (1) Defendant shall not commit any offense in violation of federal, state or local  
15 law. Defendant shall advise the supervising Pretrial Services Officer and  
16 defense counsel within one business day of any charge, arrest, or contact  
17 with law enforcement. Defendant shall not work for the United States  
18 government or any federal or state law enforcement agency, unless  
19 Defendant first notifies the supervising Pretrial Services Officer in the  
20 captioned matter.
  - 21 (2) Defendant shall immediately advise the court, defense counsel and the U.S.  
22 Attorney in writing before any change in address and telephone number.
  - 23 (3) Defendant shall appear at all proceedings as required and shall surrender for  
24 service of any sentence imposed as directed.
  - 25 (4) Defendant shall sign and complete A.O. Form 199C before being released  
26 and shall reside at the address furnished.
  - 27 (5) Defendant shall not possess a firearm, destructive device or other dangerous  
28 weapon.
  - (6) Defendant shall report to the United States Probation Office before or

1 immediately after release and shall report as often as they direct, at such  
2 times and in such manner as they direct.

3 (7) Defendant shall contact defense counsel at least once a week.

4 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful  
5 for any person who is under indictment for a crime punishable by  
6 imprisonment for a term exceeding one year, to possess, ship or transport in  
7 interstate or foreign commerce any firearm or ammunition or receive any  
8 firearm or ammunition which has been shipped or transported in interstate or  
9 foreign commerce.

10 (9) Defendant shall refrain from the use or unlawful possession of a narcotic  
11 drug or other controlled substances defined in 21 U.S.C. § 802, unless  
12 prescribed by a licensed medical practitioner in conformance with Federal  
13 law. Defendant may not use or possess marijuana, regardless of whether  
14 Defendant has been authorized medical marijuana under state law.

15 (10) Defendant shall surrender any passport to Pretrial Services and shall not  
16 apply for a new passport.

17 **ADDITIONAL CONDITIONS OF RELEASE**

18 (12) Maintain or actively seek lawful employment.

19 (14) Defendant shall remain in the Eastern District of Washington while the case  
20 is pending. By timely motion clearly stating whether opposing counsel and  
21 Pretrial Services object to the request, Defendant may be permitted to travel  
22 outside this geographical area.

23 (15) Avoid all contact, direct or indirect, with any persons who Defendant would  
24 reasonably know are or may become a victim or potential witness in the  
25 subject investigation or prosecution. Pretrial Services may but is not  
26 required to exempt specific named individuals from this prohibition,  
27 including but not limited to immediate family members or co-workers.

28 (16) Avoid all contact, direct or indirect, with known felons or Co-Defendant(s).  
Pretrial Services may but is not required to exempt specific named  
individuals from this prohibition, including but not limited to immediate  
family members or co-workers.

1 (17) Undergo mental health evaluation and undergo mental or psychiatric  
2 treatment as recommended or as directed by Pretrial Services.

3 (18) Refrain from any use of alcohol.  
4

5 (19) There shall be no alcohol in the home where Defendant resides.

6 (20) There shall be no firearms in the home where Defendant resides.  
7

### 8 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

9 If Defendant is required to submit to a substance abuse evaluation, inpatient  
10 or outpatient treatment, the following shall apply:

11 Defendant shall complete treatment indicated by an evaluation or  
12 recommended by Pretrial Services and shall comply with all rules of a treatment  
13 program. Defendant shall be responsible for the cost of testing, evaluation and  
14 treatment, unless the United States Probation Office should determine otherwise.  
15 The United States Probation Office shall also determine the time and place of  
testing and evaluation and the scope of treatment.

16 Prior to commencing any evaluation or treatment program, Defendant shall  
17 provide waivers of confidentiality permitting the United States Probation Office  
18 and the treatment provider to exchange without qualification, in any form and at  
19 any time, any and all information or records related to Defendant's conditions of  
release and supervision, and evaluation, treatment and performance in the program.  
20 It shall be the responsibility of defense counsel to provide such waivers.

21 Following any evaluation or treatment ordered here, Defendant shall  
22 complete any recommended aftercare program.

23 **If Defendant terminates any treatment program before it is completed,**  
24 **the treatment provider and Defendant shall immediately notify the U.S.**  
25 **Probation Officer.**

26 **If Defendant leaves an inpatient program before treatment is**  
27 **completed, the treatment facility and Defendant shall immediately notify the**  
28 **U.S. Probation Officer or, if the U.S. Probation Officer is unavailable, the U.S.**  
**Marshal, who shall in turn immediately notify the undersigned. Defendant**

1 **shall comply with all directives of the U.S. Probation Officer.**

2 *PROVIDED* that Defendant's treatment and release from custody is on the  
3 express condition that treatment not hinder or delay the adjudication of this case,  
4 and that Defendant appear in person when required regardless of treatment status,  
5 and maintain adequate contact with defense counsel.

6 **(24) Substance Abuse Evaluation:** Defendant shall participate in a substance  
7 abuse evaluation as directed to do so by Pretrial Services.

8 Pretrial Services shall determine the evaluator and the schedule.

9 **(27) Prohibited Substance Testing: If random urinalysis testing is not done**  
10 **through a treatment program, random urinalysis testing shall be**  
11 **conducted through Pretrial Services, and shall not exceed six (6) times**  
12 **per month.** Defendant shall submit to any method of testing required by the  
13 Pretrial Service Office for determining whether the Defendant is using a  
14 prohibited substance. Such methods may be used with random frequency  
15 and include urine testing, the wearing of a sweat patch, a remote alcohol  
16 testing system, and/or any form of prohibited substance screening or testing.  
17 Defendant shall refrain from obstructing or attempting to obstruct or tamper,  
18 in any fashion, with the efficiency and accuracy of prohibited substance  
19 testing.

#### 20 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

21 **(28)** Defendant shall participate in one or more of the following home  
22 confinement program(s):

23 **Electronic Monitoring:** The Defendant shall participate in a program of  
24 electronically monitored home confinement. The Defendant shall wear, at  
25 all times, an electronic monitoring device under the supervision of U.S.  
26 Probation. In the event the Defendant does not respond to electronic  
27 monitoring or cannot be found, the U.S. Probation Office shall forthwith  
28 notify the United States Marshals' Service, who shall immediately find,  
arrest and detain the Defendant. The Defendant shall pay all or part of the  
cost of the program based upon ability to pay as determined by the U.S.  
Probation Office.

OR

1       **GPS Monitoring:** The Defendant shall participate in a program of GPS  
2 confinement. The Defendant shall wear, at all times, a GPS device under the  
3 supervision of U.S. Probation. In the event the Defendant does not respond  
4 to GPS monitoring or cannot be found, the U.S. Probation Office shall  
5 forthwith notify the United States Marshals' Service, who shall immediately  
6 find, arrest and detain the Defendant. The Defendant shall pay all or part of  
7 the cost of the program based upon ability to pay as determined by the U.S.  
8 Probation Office.

9       AND

10       **Curfew:** Defendant shall be restricted to his/her residence every day from  
11 **8:00 p.m. to 8:00 a.m.**

12       If a party desires that another Court review this order pursuant to 18 U.S.C.  
13 § 3145, that party shall promptly file a motion for review before the district judge  
14 to whom the case is assigned, as further described in the Detention Order Review  
15 Protocol published for the Eastern District of Washington. Both parties shall  
16 cooperate to insure that the motion is promptly determined.

17       DATED June 22, 2016.



19

A handwritten signature in black ink, appearing to be "M" or "Rodgers".

20       \_\_\_\_\_  
21       JOHN T. RODGERS  
22       UNITED STATES MAGISTRATE JUDGE  
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